

**In the Matter of:**

**Jane Doe**

**v.**

**The University of VA, et al**

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**Akia Haynes Hale**

**September 6, 2024**

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Akia Haynes Hale

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9/6/2024

1	IN THE UNITED STATES DISTRICT COURT	
2	FOR THE WESTERN DISTRICT OF VIRGINIA	
		)
3	JANE DOE,	)
		)
4	Plaintiff,	)
		)
5	v.	) Civil Action No.
		) 3:23-cv-00018
6	THE UNIVERSITY OF	)
	VIRGINIA, et al.,	)
7		)
	Defendants.	)
8		
9		
10	DEPOSITION of AKIA HAYNES HALE in the	
11	above-entitled matter, held via	
12	video-conference, on September 6, 2024,	
13	stenographically reported by Jacqueline	
14	Bennett, Registered Professional Reporter and	
15	Notary Public in and for the Commonwealth of	
16	Virginia.	
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A P P E A R A N C E S

(All appearances via video-conference.)

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LORAIN HARMER, Law Clerk

ANNA KUEBLER, Legal Intern

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1 meetings, like evaluation panel meetings, things like  
2 that.

3 Q. And then was that the first time you ever  
4 conducted Title IX investigations in that role?

5 A. So conducted investigations, no. When I was  
6 with the Civil Rights Commission, I was responsible  
7 for issuing notices of findings for the entire state  
8 of Indiana and that handled Title VI, VII, VIII, and  
9 IX, and so there were times where I would issue  
10 notices of finding on Title IX matters.

11 Q. And so what is a notice of finding?

12 A. Yes. And so we would have investigators who  
13 would investigate the matter, and then they would  
14 draft a document that was sort of their assessment of  
15 the facts and what happened and whether that would  
16 violate the Indiana Civil Rights Act, which was  
17 substantially similar to Title VII and IX and VIII and  
18 in a lot of areas.

19 I would then go and review those drafted  
20 notices to make sure that they're legally sound and  
21 accurate to make sure the facts supported their  
22 recommended finding, and if they did, then I would

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1 essentially issue that notice of finding saying this  
2 person has been found responsible for violating the  
3 Indiana Civil Rights Act.

4 That finding, though, looked very much like a  
5 Title -- a finding under Title VII or under Title VIII  
6 or under Title IX, and so I did have some of those  
7 instances prior to joining the university.

8 Q. And just so I understand, though, had you  
9 ever actually done the investigative portion before  
10 coming to UVA?

11 A. No.

12 Q. Okay. During your time at UVA, about how  
13 many Title IX investigations did you conduct?

14 A. A lot. Probably in excess of 50, maybe in  
15 excess of 100. I can't say for certain, but a lot.

16 Q. Okay. And so I'm asking this question now  
17 about any time prior to starting at UVA. I'm going to  
18 ask it about other times, but the question I'm asking  
19 right now is: What training did you receive in how to  
20 conduct Title IX investigations prior to starting at  
21 UVA?

22 A. So Title VII is very similar to Title IX, and

1 reviewed that e-mail; is that right? Or that letter?

2 A. Yes.

3 Q. Okay. And in that letter, she was offered  
4 also \$5,000 to reimburse her for mental health therapy  
5 and costs that she incurred through December of 2021.

6 Do you recall that?

7 A. Yes.

8 Q. Okay. Can you take me through how the  
9 decision was made to offer that -- that resolution to  
10 her?

11 A. And so the max amount that I recall at that  
12 point to offer anyone for a finding of responsibility  
13 is \$5,000 to reimburse for any sort of mental health  
14 services someone would have needed during the pendency  
15 of the investigation or in light of that, and also for  
16 holistic type services.

17 And so that is a process that you would kind  
18 of go through. There's a finding. You'd kind of  
19 gauge based on the duration of sort of the allegations  
20 at hand and things of that nature. This is what could  
21 be a reasonable amount to assist someone after that.

22 Q. You said the maximum amount was \$5,000. What

1 does that mean?

2 A. So the maximum amount that I recall at that  
3 point that was offered for those types of measures was  
4 \$5,000.

5 Q. Is that a max amount that you decided?

6 A. That was an amount that I believe was decided  
7 before me, and I did not want to change that in my  
8 role as interim.

9 Q. And what was the rationale for that max  
10 amount, if you know?

11 A. I don't know.

12 Q. Okay. And what was the reason for the  
13 deadline on using that amount?

14 A. And so I can only speculate because I don't  
15 remember, but typically you give -- you give people a  
16 period of time in order to seek counseling and  
17 whatnot. I think the goal was to try to not have sort  
18 of an infinite deadline that someone could tender  
19 invoices years beyond the fact, and so I think that's  
20 why it was sort of time parameters placed on there,  
21 but I can't give a specific answer.

22 Q. So do you -- was it your opinion that --



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1 then, that giving that deadline would provide  
2 sufficient remedy to the claimant in this matter?

3 MR. BERNHARDT: Objection. Form.

4 A. Yes.

5 Q. Okay. Why is that?

6 A. Because that was our process previously.  
7 Again, I wasn't going to deviate from that process,  
8 and previously when there were findings of  
9 responsibility over a period of time, that was the  
10 amount that was deemed appropriate, and so I didn't  
11 deviate from that.

12 Q. So if I'm understanding you correctly, there  
13 was no consideration of the individual factors of this  
14 claimant in making that determination; is that right?

15 MR. BERNHARDT: Objection. Form.

16 A. That's incorrect. Looked at the nature of  
17 the allegations, sort of the duration of it, and based  
18 on, at that point, previous matters that had sort of a  
19 similar duration of time, things of that nature, that  
20 was the amount that was given. And so that was the  
21 amount that was given at that point but, again, I  
22 didn't want to deviate from the previous process.

1 Q. So I'm just trying to understand here. So  
2 tell me if this summary of what you're saying is  
3 incorrect. You selected the duration of time that the  
4 remedy would be available based on other previous  
5 decisions in other similar matters; is that correct?

6 MR. BERNHARDT: Objection. Form.

7 A. No. What I'm saying is I looked at that  
8 matter and I noticed, okay, the conduct at issue  
9 occurred for X amount of time. Let me go back and --  
10 and I don't have any independent recollection of any  
11 of these matters, to be clear.

12 But at that point, I went back and said,  
13 okay, let me find another matter that had a  
14 responsibility of finding that had, you know, a period  
15 of prohibited conduct that occurred over a long period  
16 of time. Let me see what the sanctions looked like at  
17 that point. And then I used that to inform the  
18 decision on that, because as interim, I wasn't going  
19 to deviate from the previous amounts that had been  
20 given.

21 Q. Why not?

22 A. Because I was interim and I didn't know sort

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1 of how that came to be, anyway. I was not the  
2 permanent Title IX coordinator. That would be a  
3 decision that the permanent Title IX coordinator would  
4 have probably made in consultation with the assistant  
5 vice president, and as I was not the permanent  
6 Title IX coordinator at that point, I did not have  
7 that kind of conversation with her to determine  
8 whether or not this amount should be changed.

9 Q. So -- so were you not permitted to do that  
10 because you were interim?

11 A. There was no prohibition to my knowledge, but  
12 as interim, I did not feel comfortable deviating from  
13 the process that had been followed at that point, and  
14 I did not see a reason to do so there.

15 Q. Okay. Why not?

16 A. As I said, I didn't see a reason to deviate  
17 from it. I looked at prior matters for a duration of  
18 time with not necessarily similar facts but facts kind  
19 of similar in the sense of this is a period of time of  
20 which prohibited conduct may have occurred, but this  
21 is a finding -- I did not see a reason to deviate from  
22 that process.

1 Q. So were the amounts issued in the other cases  
2 that you looked at appropriate?

3 MR. BERNHARDT: Objection. Form.

4 A. I can't answer that question because I didn't  
5 issue those amounts.

6 Q. So how did you know that basing this amount  
7 on those amounts was the correct decision?

8 A. It was the decision that I made at the time  
9 and it seemed appropriate.

10 Q. Why did it seem appropriate?

11 A. Because I didn't --

12 MR. BERNHARDT: Objection. Asked and  
13 answered.

14 Q. You still need to answer.

15 A. I didn't see a need to deviate from what I  
16 had previously seen.

17 Q. Okay. I'm trying to understand why you  
18 didn't see a need to deviate. I mean, you would have  
19 had the independent authority to make that decision as  
20 the interim coordinator, correct?

21 A. Yes.

22 Q. Okay. So what I'm understanding is you just

1 looked at other cases, that you didn't have any  
2 knowledge about how the decision was made, and applied  
3 the same decision here; is that correct?

4 MR. BERNHARDT: Objection. Form.

5 A. Not exactly. The other cases I was somewhat  
6 familiar with the facts at hand -- either there are  
7 cases I personally investigated or there are cases  
8 where I reviewed the report -- and so I was aware of  
9 the facts.

10 And based on those factors, the duration of  
11 the time period, the nature of the allegations, I did  
12 not see a reason to deviate from the prior decisions.  
13 I would have no basis on which to do so.

14 Q. So why were those prior decisions  
15 appropriate?

16 A. I can't answer that because I did not make  
17 those prior decisions, but based on those prior  
18 decisions being deemed appropriate by presumably the  
19 prior Title IX coordinator and the prior assistant  
20 vice president, I did not see any factors that led me  
21 to believe that this case should be treated  
22 differently than those that other folks who had more

1 authority than I did as the assistant vice president,  
2 for instance, deemed appropriate.

3 Q. So did you talk to the former Title IX  
4 coordinator about your decision?

5 A. No, she was no longer with the university.

6 Q. And did you talk to the associate vice  
7 president about your decision?

8 A. No, because the one that was there at --  
9 certain parts of other cases I looked at that were  
10 similar were no longer with the university.

11 Q. What training had you undertaken at that  
12 point about determining remedies?

13 A. I don't recall any specific question --  
14 trainings about remedies, no.

15 Q. Okay. And did you ever talk to the claimant  
16 about whether she had incurred any costs in this case?

17 A. No.

18 Q. Did you ever inquire as to what her needs  
19 were?

20 A. No.

21 Q. Did you ever talk to her about what her needs  
22 were with respect to remedies or compensation in

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1 general?

2 A. No.

3 Q. Okay. During the course of time that you  
4 were at UVA, were you aware of any Title IX lawsuits  
5 filed against UVA?

6 A. Yes, I'm aware that lawsuits were filed.

7 Q. Okay. Tell me about those lawsuits.

8 A. I don't know anything specifically about  
9 them, but I'm aware generally that they were filed.

10 Q. Do you know how many were filed?

11 A. I do not.

12 Q. Okay. And were you involved at all in any of  
13 those lawsuits?

14 A. No.

15 Q. Okay. What about any OCR complaints that  
16 were filed against UVA during your time there? Are  
17 you aware of any of those?

18 A. Yes, I'm aware generally that they were  
19 filed.

20 Q. Okay. And were you involved in any of them?

21 A. While at UVA, no.

22 Q. Okay. During your time at OCR, were you